ARTICLE 15 RUBBISH, JUNK, WEEDS AND BRUSH, AND UNSAFE STRUCTURES

TABLE OF CONTENTS

DIVISION 1	GENERAL PROVISIONS	. 15-1
Section 15-1 A. B.	Purpose and Authority. Purpose	. 15-1
Section 15-1		
A. B. C. D.	Weeds and Brush, or Unsafe Structures	. 15-1 . 15-1 . 15-2
DIVISION 2	ENFORCEMENT PROCESS FOR REMOVAL OF RUBBISH, JUNK, WEEDS AND BRUSH, OR UNSAFE STRUCTURES	. 15-2
Section 15-2 A. B.	Verify Violation	. 15-2
Section 15-2 A.	Notice of Violation	
Section 15-2 A.	203 Administrative Entry and Seizure Warrant Documentation Required for Warrant	
DIVISION 3	PENALTIES AND REMEDIES	. 15-4
Section 15-3 A.	301 Penalties Criminal Penalty for Violation	
Section 15-3	802. Preservation of Remedies	. 15-4

ARTICLE 15 RUBBISH, JUNK, WEEDS AND BRUSH, AND UNSAFE STRUCTURES

TABLE OF CONTENTS

Section 15	-303 Abatement by County	15-5
	Authorization for Abatement by County	
B.	Execution of Warrant and Abatement of Violation	
C.	Method of Abatement	15-5
D.	Cost of Abatement Billed to Property Owner	15-5
E.	Collection of Unpaid Bill for Cost of Abatement by Count	y 15-5

DIVISION 1 **GENERAL PROVISIONS**

Section 15-101 Purpose and Authority.

- Α. **Purpose.** The purpose of this Article is to protect the health, safety, and welfare of the citizens of [County] through the removal of rubbish, junk, weeds and brush, and unsafe structures from land in the unincorporated areas of the County.
- B. **Authority.** Section 30-15-401 C.R.S, as amended, authorizes the Board of County Commissioners to adopt regulations for the control of matters of local concern, including providing for and compelling the removal of rubbish, junk, weeds and brush, and unsafe structures from land in the unincorporated areas of the County. This includes authority for the County to remove rubbish, junk, weeds and brush, or unsafe structures upon failure of the property owner to comply with a notice of violation, and the provision for criminal penalties in the event of failure to comply.

Section 15-102 Responsibility for Removal of Rubbish, Junk, Weeds and Brush, or Unsafe Structures. It shall be the duty of any person who is the owner, lessee or occupant of a lot, tract or parcel of land in unincorporated [County] to remove rubbish, junk, weeds and brush, and unsafe structures from that land.

- A. Removal of Rubbish. Rubbish, as defined in Article 16, Definitions, shall be removed from:
 - 1. Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of ten (10) or more acres and agricultural land, as defined in these Regulations, currently in agricultural use in compliance with this Land Use Code.
- B. **Removal of Junk.** Junk, as defined in Article 16, *Definitions*, shall be removed from:
 - 1. Lots, tracts and parcels of land within the County, and the alleys behind and sidewalk areas in front, except industrial tracts of ten (10) or more acres and agricultural land, as defined in these Regulations, currently in agricultural use in compliance with this Land Use Code.

- **C.** Removal of Weeds and Brush. Weeds and brush, as defined in Article 16, *Definitions*, shall be removed from residential lots of one acre or less, and from alleys behind and sidewalk areas in front of such lots.
- **D.** Removal of Unsafe Structures. Any unsafe building or structure, as defined in Article 16, *Definitions*, and as further defined in this Code, shall be removed from lots, tracts and parcels of land within the County with the following exceptions.
 - Any building or structure located on land subject to the Colorado Mined Land Reclamation Act as defined in Section 34-32-103(1.5), C.R.S, as amended.
 - 2. Any building or structure located on lands subject to the Colorado Surface Coal Mining Reclamation Act pursuant to Article 33 of Title 34, C.R.S, as amended.

DIVISION 2 ENFORCEMENT PROCESS FOR REMOVAL OF RUBBISH, JUNK, WEEDS AND BRUSH, OR UNSAFE STRUCTURES.

Unless otherwise specified in these Regulations, the following enforcement process shall apply instead of enforcement provisions set forth in Article 12, *Enforcement, Violations and Penalties* of this Code.

Section 15-201 Complaint and Verification of Violation.

- **A. Verify Violation**. Upon complaint made or filed by a member of the public or by a County official or employee, the [*Administrator/Director*] shall verify the complaint as a violation.
- **B.** Authority to Enter and Inspect. The [Administrator/Director's] authority to enter and inspect land, a building or structure for the purpose of verifying a violation shall be governed by the same procedures set forth in Article 12, Section 12-202, Authority to Enter and Inspect.

Section 15-202. Notice of Violation.

A. Notice of Violation. If the [<u>Administrator/Director</u>] verifies a complaint as a violation, the [<u>Administrator/Director</u>] shall provide written notice of the violation and the requirements for abatement to the property owner of record as identified on the [<u>County</u>] tax records, and to any other responsible party whose identity and whereabouts are known to the [<u>Administrator/Director</u>].

- 1. Service by Mail. The notice of violation shall be served by certified mail, return receipt requested to both the address in the tax records and the property address, if different.
- 2. Content of Notice. The notice of violation shall include a description of the violation, the requirements for abatement including the time period in which abatement must occur, a proposed re-inspection date to verify abatement, and a statement of the right to appeal the determination of violation and the time within which a written appeal must be filed.
 - a. The [<u>Administrator/Director</u>] shall provide thirty (30) calendar days for abatement, unless the [<u>Administrator/Director</u>] determines that a shorter or longer time is justified.

Section 15-203 Administrative Entry and Seizure Warrant. Upon authorization by the Board of County Commissioners for abatement of the violation by the County, the [Administrator/Director] shall seek an administrative entry and seizure warrant from the County or District Court having jurisdiction over the property.

- **A. Documentation Required for Warrant.** The following documents shall be required for the court to issue an administrative entry and seizure warrant:
 - **1.** The applicable regulatory provisions of this Code.
 - **2.** An affidavit stating the factual basis for the warrant.
 - 3. Evidence that the property owner has received notice of the violation and has failed to abate the violation within the prescribed time.
 - **4.** A general description of the location of the subject property.
 - A general description of the violation, including a general list or description of the rubbish, weeds or brush, or unsafe structure(s) to be removed.
 - **6.** The proposed method and extent of abatement by the County, including proposed disposal or temporary impoundment of property.

DIVISION 3 PENALTIES AND REMEDIES

Section 15-301 Penalties

A. Criminal Penalty for Violation.

- 1. Any person who violates the provisions of this Article commits a Class 2 petty offense. Upon conviction, a Class 2 petty offense may be punished by a fine of not more than \$300 for each separate violation.
 - a. Each day a violation continues after the time for abatement has run, or after the deadline the Board specifies for abatement at an appeal hearing, shall be considered a separate violation.
 - **b.** All fines collected pursuant to this Article shall be paid into the County treasury as soon as they are collected.
- 2. If the [<u>Administrator/Director</u>] determines that the alleged violator has failed to abate the violation as required by the County, the [<u>Administrator/Director</u>] in addition to pursuing any other remedy authorized by law may request that the County Sheriff arrest the alleged violator pursuant to Section 16-2-201, C.R.S, as amended.
 - a. Under Section 16-2-201, C.R.S., as amended, upon arrest for a violation of this Article the arresting officer may either issue a penalty assessment notice and release the person upon its terms, or take the person before a judge of the County court.

Section 15-302 Preservation of Remedies. The remedies as provided in this Article, and as may be available under other applicable regulations of the County or pursuant to state or federal law, are not exclusive in any way, and may be pursued by the County singularly or in combination to achieve the most expeditious abatement of violations involving the presence of rubbish, weeds and brush, and unsafe structures.

Section 15-303 Abatement by County.

- **A.** Authorization for Abatement by County. If the alleged violator fails to comply with the County's requirements for abatement of the violation, the [<u>Administrator/Director</u>] may request that the Board, at a public meeting, authorize the County to arrange for abatement of the violation. [Public hearing is not required]
 - 1. **Notice of Meeting.** At least fourteen (14) calendar days prior to the date of the meeting, the [<u>Administrator/Director</u>] shall provide notice of the meeting to the alleged violator by certified mail, return receipt requested to both the address in the tax records and the property address, if different.
- **B.** Execution of Warrant and Abatement of Violation. Within ten (10) calendar days following the date of issuance of an administrative warrant pursuant to Article 12, Section 12-204, *Abatement by County*, the County shall abate the violation in accordance with the direction of the court. A copy of the issued warrant shall be provided to the property owner. Proof of the execution of the warrant, including a written inventory of any property impounded by the County, shall be submitted to the court.
- **C. Method of Abatement.** The method of abatement by the County may include the use of County staff or contract with a private party, and may include the impoundment of rubbish or other property removed as part of the abatement.
- **D.** Cost of Abatement Billed to Property Owner. A bill for the reasonable costs of abatement plus an inspection fee of five (5) percent of that cost shall be mailed to the property owner of record, at both the address in the tax records and the property address, if different. Payment of the bill shall be due within sixty (60) days of the date of the bill.
- **E.** Collection of Unpaid Bill for Cost of Abatement by County. If the bill is unpaid after sixty (60) calendar days, the [<u>Administrator/Director</u>] through the County Clerk shall certify the bill to the County Treasurer, who shall collect the assessment together with a ten (10) percent penalty for the cost of collection, in the same manner as other taxes are collected.